

MEMORANDUM

for Office Study only by

EDWARD W. CLYDE

RE: WOULD AN ORDER BY THE GOVERNOR RESTORING THE WATERS MENTIONED IN THE PETITION ATTACHED HERETO INTERFERE WITH THE PRESENT PLANS FOR THE DEVELOPMENT OF THE COLORADO RIVER?

It would appear to me highly desirable that Utah put to beneficial use all of the water that can be used from the Colorado River. I cannot see any disadvantage to the State of Utah which will arise because of further appropriations from the Colorado River so long as proposed applications do not interfere with the over-all comprehensive plan for the development of the river.

I, of course, protested against the withdrawal of all these watersheds and I am still of the same opinion, to-wit: that they ought not to have been withdrawn. Any large application which is filed for purposes of speculation could be rejected on that ground. Further, under the case of Tanner vs. Bacon, 103 Utah 494, the State Engineer could reject any application which would interfere with the comprehensive development of the river on the grounds that the same would interfere with the most beneficial use of the water. In this Tanner vs. Bacon case Tanner had made a filing which was ahead of the Deer Creek appropriations. The filing was in direct conflict with the Deer Creek appropriations and would, of course, have stymied the Deer Creek development. The Supreme Court said that it was alright to approve the application but that it should be inferior to the later Deer Creek developments.

I cannot see why the powers specified in the Tanner vs. Bacon case as being in the office of the State Engineer, does not adequately permit the State Engineer to control this situation. It seems to me that the advantages to the state of having its watersheds developed now far